

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING SALES)
PRACTICES AND PRODUCTS LIABILITY)
LITIGATION)**

**MDL No. 1871
07-MD-01871-CMR**

**APPLICATION OF DENMAN H. HEARD AND BILL ROBINS III
FOR APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

COMES NOW, DENMAN H. HEARD and BILL ROBINS, III of the firm of HEARD, ROBINS, CLOUD & BLACK, L.L.P. of Houston, Texas and Santa Fe, New Mexico, and, pursuant to this Court's Pre-Trial Order No. 103, respectfully submit this their Application for Appointment to the Plaintiffs' Steering Committee for the Avandia® Multi-District Litigation pending before this Court, and in support of such application, would shows as follows:

Heard, Robins, Cloud & Black, LLP became involved in the Avandia® litigation approximately six months ago, has reviewed hundreds of potential Avandia® claims, has accepted representation in over 150 Avandia® cases, and currently has cases pending in Federal Court and State Court in New Mexico. Our firm is actively assisting the Plaintiffs' Steering Committee in common benefit work by reviewing documents that have been produced by GSK to the Plaintiffs' Steering Committee, and we have expressed our willingness to assume responsibility for additional work, including, but not limited to, assisting in depositions, briefing and/or the trial of MDL cases. The firm currently has two partners, two associates, and five staff personnel actively working on this litigation, and in the event the firm is appointed to the Plaintiffs' Steering Committee, and to the extent necessary, our firm is willing to devote additional staff and resources to this litigation.

Since the founding of our firm in 1998, we have successfully represented thousands of clients in mass tort cases, including cases involving Baycol, Ephedra, Fen-Phen, the Ortho Evra Birth Control patch, asbestos, silica, benzene, and exposure to groundwater contamination from a wide variety of toxic substances. Aside from Avandia® cases, our firm currently represents clients who have suffered injuries from Yaz® and Zimmer Durom Hip Cup Implants. We believe our firm's background in handling mass tort and other complex litigation, especially our proven track record in successfully preparing and bringing these types of case to trial, qualifies us to serve on the Plaintiffs' Steering Committee.

Denman H. Heard graduated from Baylor University in 1989 with a Bachelor of Arts Degree in Economics and received his Juris Doctorate from the University of Houston Law Center in 1992. During law school, he was selected to the National Order of Barristers and twice received the Trial Advocacy Institute Excellence in Advocacy Award. He was also the F. Lee Bailey National Moot Court Champion and the University of Houston Law Center Mock Trial Champion. Since graduating from law school, he has tried over 100 Plaintiffs' claims to jury verdict, and has won nearly \$400,000,000 in jury verdicts and judgments in the process. These cases have included a \$15,000,000 jury verdict in the trial of the first and only Sulzer hip implant case tried in the country, numerous multi-million dollar asbestos verdicts, including the largest asbestos jury verdict in the history of Houston, Harris County, Texas, and a verdict in excess of \$100,000,000 for a small manufacturer of tankless water heaters against component part manufacturers. As a result of his success as a trial lawyer, Denman H. Heard was one of the youngest members selected to the American Board of Trial Advocates. Please also refer to the Bio of Denman Heard, which is attached hereto as Exhibit "A".

Bill Robins III graduated *cum laude* from Loyola University of the South in 1988 with a Bachelor of Arts Degree in History, and graduated first in his class from the University of Houston Law Center in 1991. During law school, he was an Articles Editor of the Houston Law Review, and was selected to the Order of the Coif and the Order of the Barons. Since graduating from law school, he has been lead trial counsel and obtained favorable jury verdicts in a wide variety of complex cases, including products liability, medical malpractice, environmental and commercial cases. Bill Robins III has also been lead counsel or co-counsel in several mass tort and class action cases, which have collectively resulted in settlements in excess of \$500,000,000. He was lead counsel for the State of New Mexico in the *Zyprexa* MDL pending before Hon. Judge Jack Weinstein in the Eastern District of New York, and was extensively involved in the discovery and preparation for trial of the States' Attorney General Actions, including the depositions of fact witnesses, Eli Lilly custodial depositions, treating physicians, and common experts. In addition, Bill Robins III was lead class counsel in the Ellsworth Park Superfund Site Litigation pending before Hon. John W. Darrah in the Northern District of Illinois. He also currently serves as lead counsel for the Quapaw Tribe of Oklahoma in the Tar Creek Superfund Site Litigation pending before the Hon. Claire Eagan in the Northern District of Oklahoma. Please also refer to the Bio of Bill Robins III, which is attached hereto as Exhibit "B".

Based on the foregoing, Bill Robins III and Denman H. Heard respectfully request that this Court consider them for appointment to the Plaintiffs' Steering Committee for the Avandia® Litigation, and, if appointed, that they be approved as members of the Discovery and Trial teams.

Respectfully submitted,

HEARD, ROBINS, CLOUD & BLACK LLP

By: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 15, 2010, the foregoing Application for Appointment to Plaintiff's Steering Committee was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record of the CM/ECF System, via United States First Class Mail.

A handwritten signature in black ink, appearing to read "Bill Robins III", is written above a horizontal line.

Bill Robins III